

JULIA C. DUDLEY, CLERK  
BY: *S. Taylor*  
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(DE 1, p. 3.) He asserts that as relief under § 2254 on these claims, he wishes to be “awarded [his] 85% good time at G.C.A. Level 1 to redress these issues which is only fair for good cause shown.”

When a habeas petitioner presents a claim in a second or successive § 2254 petition that was presented in a previous petition, the court must dismiss the claim. 28 U.S.C. § 2244(b)(1). If a second or successive petition includes claims that could have been presented in a prior § 2254 petition, the district court must dismiss the petition unless the petitioner presents certification from the United States Court of Appeals for the Fourth Circuit authorizing the court to consider the second petition. § 2244(b)(4).

In a prior habeas petition, Wilson raised a claim similar to his current allegations. He asserted that because officials had delayed correcting a sentence calculation error and had falsely accused him of disciplinary infractions, he was entitled to have his sentence recalculated under the optimum good time earning rate that would have required him to serve only 85% of his sentence. The court dismissed the claim, finding that it did not state any ground for relief under § 2254. See Wilson v. Ray, Case No. 7:10CV00457, 2010 WL 5478479, at \*2 (W.D. Va. Dec. 30, 2010). If Wilson's current claim is identical to the one raised in the previous petition, it must be dismissed under § 2244(b)(1). Even if the claim he now raises is not precisely the same, however, the court must summarily dismiss it, because Wilson fails to present certification from the Fourth Circuit authorizing a second or successive habeas petition on the issue of good time calculation. § 2244(b). An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to petitioner and counsel of record for the respondent.

ENTER: This 22<sup>nd</sup> day of February, 2011.

  
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Chief United States District Judge